

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SCOTT PISTONE,

Plaintiff,

v.

No. 13-cv-920 MV/RHS

**STATE OF NEW MEXICO PUBLIC
DEFENDER DEPARTMENT, and
T. DAVID EISENBERG,**

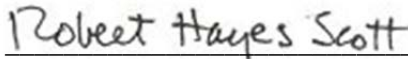
Defendants.

**ORDER PERMITTING PLAINTIFF TO AMEND HIS COMPLAINT
OR VOLUNTARILY DISMISS ANY FEDERAL CLAIMS**

THIS MATTER is before the Court on Plaintiff's Motion to Remand Proceedings to New Mexico State District Court (Doc. 10). The Motion was referred to the undersigned pursuant to an Order of Reference (Doc. 18). The Court has reviewed the Motion, Defendants' Response (Doc. 13) and the applicable laws regarding the Court's subject matter jurisdiction.

The Court will permit Plaintiff fourteen (14) days from the date of this Order to (1) amend paragraph 22 of his original Complaint (Doc. 1-1) to eliminate any reference to the federal constitution and (2) to voluntarily dismiss any claim that appears to arise under federal statute or constitutional law. If Plaintiff wishes to pursue the federal constitutional claim rather than amending paragraph 22 of the Complaint and dismissing any claim that appears to arise under federal law, Plaintiff must file a notice so advising the Court within fourteen (14) days of this Order and the Court will proceed to consider the Motion to Remand (Doc. 10).

If Plaintiff amends his Complaint and dismisses any claim that arises under federal law, then within seven (7) days of Plaintiff's amendment to his Complaint and voluntary dismissal of any potential federal claim, Defendants must notify the Court whether the Motion to Remand (Doc. 10) is unopposed.


ROBERT HAYES SCOTT
UNITED STATES MAGISTRATE JUDGE